

CLAIM SUMMARY DOCUMENT

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1. (Currently Amended) An isolated nucleotide sequence {selected from the  
following [A promoter consisting of a base sequence of following (a), (b) or (c)]:

(a) an isolated nucleic acid sequence consisting of nucleotides -3359 to -1  
of SEQ ID NO:1; } comprising

[ (b) an isolated nucleic acid sequence, wherein no more than 5 nucleotides  
have been added to, deleted from, or substituted in the  
isolated nucleic acid of (a), and wherein said isolated nucleic  
acid sequence enhances expression of a structural gene located  
downstream of said isolated nucleic acid sequence; or

(c) an isolated nucleic acid sequence which hybridizes to the isolated  
nucleic acid sequence of (a) under stringent conditions }

[(a) a base sequence represented by base numbers -3359 to -1 shown in SEQ:ID  
NO:1 in the sequence list,

(b) a base sequence in which a part of said base sequence (a) is deleted or  
another base sequence is added to said base sequence (a) or a part of base  
sequence (a) is substituted with another base sequence, the base sequence (b)  
exhibiting activity to enhance expression of a structural gene existing  
downstream of the promoter, or

(c) a base sequence that hybridizes with the base sequence (a) under stringent  
conditions].

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12. (Currently Amended) A plasmid comprising the isolated nucleotide sequence of Claim 1 [in which the promoter according to claim 1 was incorporated].

13-14. Withdrawn.

15. (Currently Amended) A transgenic plant cell comprising the plasmid of Claim 12, wherein incorporation of said plasmid into said plant cell activates expression of a structural gene located downstream of said isolated nucleotide sequence of said plasmid [in which the promoter according to claim 1 was incorporated to activate expression of a structural gene existing downstream of the promoter].

16-17. Withdrawn.

18. (Currently Amended) A transgenic plant comprising the plasmid of Claim 12, wherein incorporation of said plasmid into said plant activates expression of a structural gene located downstream of said isolated nucleotide sequence of said plasmid [body in which the promoter according to claim 1 was incorporated to activate expression of a structural gene existing downstream of the promoter].

19-20. Withdrawn.

21. (Currently Amended) A method [to activate] for activating expression of an exogenous structural gene or an endogenous structural gene in a plant, wherein said method comprises incorporating the plasmid of Claim 12 upstream of said exogenous structural gene or said endogenous structural gene [by incorporation of the promoter according to claim 1 into upstream of the structural gene].

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22. (New) An isolated nucleic acid sequence which exhibits 90% homology with an isolated nucleic acid sequence of Claim 1.

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